

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14210, of Gulf Oil Corporation, et al., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 for a proposed addition to an existing structure to be used as offices for an international organization, a non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person in an SP-2 District at premises 2121 Virginia Avenue, N.W., (Square 81, Lots 828, 830 and 5).

HEARING DATE: November 14, 1984
DECISION DATE: December 5, 1984

FINDINGS OF FACT:

1. Lot 828 of the subject site is located at the northeast corner of the intersection of 22nd St. and Virginia Avenue, N.W. Lots 830 and 5 are located on the north side of Virginia Avenue and E Street respectively between 21st and 22nd Street Streets. The entire site is known as premises 2121 Virginia Avenue, N.W. The site is in an SP-2 District.

2. The subject site has an area of 39,177 square feet. It is presently improved with several structures including a drug store and liquor store on Lot 5, a Gulf service station on Lot 830 and the Governor Shepherd Building on Lot 828. The Governor Shepherd Building contains office space for the Pan American Health Organization and approximately forty-six apartment units, of which twenty-seven are occupied.

3. The applicant proposes to raze the Governor Shepherd Building and the Gulf service station and to construct an SP office building as an addition to the existing structure on Lot 5.

4. The addition will consist of eight floors and the primary occupant will be the Pan American Health Organization (PAHO). Additional space will be leased to SP office tenants until PAHO expands its staff to occupy the entire building.

5. The addition will be connected to the existing one story liquor store and drug store. A door in the existing structure and a door on the first floor of the proposed

structure will be linked through a canopy fourteen feet high constituting a roof over that portion of the area.

6. PAHO is a public international organization whose purpose is to promote the physical and mental health of the people of the Western Hemisphere. PAHO accomplishes this through programs of technical cooperation including research and training centers.

7. The main headquarters building for PAHO is located at 23rd Street and Virginia Avenue, diagonally across Virginia Avenue from the subject property.

8. In the mid-1960s, PAHO purchased the Governor Shepherd Building to accommodate its projected long term needs for expansion. At present approximately 35,000 square feet of the building's 87,000 square feet is being used by PAHO for office space. The building is now almost fifty years old. Rather than proceed with the costly renovation of a fifty year old office building, PAHO has chosen to develop a modern, functionally efficient office building on this site.

9. All residential tenants of the Governor Shepherd Building have consented to vacate the building within a designated time. In addition, the Tenant Association has agreed to assist the developer, Melvin Lenkin, in the project.

10. PAHO plans to initially occupy 37,000 square feet of the new building. At some future date, PAHO plans to occupy the entire building.

11. The proposed use is permitted if approved by the BZA as in compliance with Paragraph 4101.44 of the Zoning Regulations which provides that the use, height, bulk and design of the subject structure are in harmony with existing uses and structures on neighboring property and that the use will not create dangerous or other objectionable traffic conditions. The Board may require such special treatment in the way of design, screening of buildings, accessory uses, signs and other facilities as it shall deem necessary to protect the value neighboring property.

12. The proposed building on the site will be constructed to a floor area ratio (FAR) of 3.5, the maximum permitted for non-residential use in the SP-2 District. The unused FAR of 2.5 is available for residential development on the site at some future point in time.

13. The neighborhood in which the subject property is located contains a wide variety of uses and is very characteristic of the SP District. Immediately adjacent to the subject site is an eight story office building constructed

to a height of ninety feet. The remainder of the square is developed with the State Plaza Hotel, at a height of ninety feet, the Michelle Towers Building, at a height of ninety feet, and row dwellings along a portion of the F Street frontage, zoned R-5-D. Within the surrounding neighborhood are the PAHO Headquarters building, the Department of State building, the Columbia Plaza and other institutional office buildings.

14. The applicant's expert traffic witness testified that the proposed use of the site was an appropriate use of the property from a traffic engineering viewpoint. The witness testified that the principal intersection, Virginia Avenue and 22nd Street, operates at an "A" level of service at all times. That intersection is the location for the access for the parking garage and for truck service. With the "A" level of service, there should be no problem getting in or out of those facilities. The witness further testified that within a block-and-a-half radius of the site, there are seventeen Metrobus routes and that a Metrorail station is four blocks away, resulting in very good public transportation. In using the Council of Government's data, to determine what the parking needs and trip generation would be, there would be a need for 100 parking spaces to serve the requirements of the employees. There would be 118 parking spaces on the site, leaving eighteen spaces available for visitors to the building.

15. The traffic witness testified that taking into consideration the trips that are generated by the apartment units at the present time and by the Gulf station on the site, the additional traffic that would be generated would be just sixteen trips in the peak hour. This would have no effect on the current traffic operating conditions. The level of service would remain at "A," and, therefore, there would be no adverse impact. As the Department of Public Works has pointed out in its report cited below, the access to the garage and to the truck loading is safe and convenient and would have no adverse impact. The Board concurs with the testimony of the witness.

16. Of the 118 spaces provided, the seventy spaces required by the Zoning Regulations will measure nine feet by nineteen feet. Eight spaces will be compact car size. The remaining sixty spaces will be located in public or vault space. Access to the proposed parking garage will be from 22nd Street. As part of the development, the applicants propose to pave an area approximately ten feet in width adjacent to the existing ten foot wide alley to provide better access to the site. Access to the loading berth will be provided from Virginia Avenue through the site to 22nd Street. This plan has been worked out with representatives

of the Department of Public Works to ensure maximum safety for the 22nd Street and Virginia Avenue intersection.

17. The Department of Public Works (DPW), by memorandum dated November 17, 1984, reported that, as to the street system, Virginia Avenue is a minor arterial with an average daily traffic volume of 16,100 vehicles near the site. The paved roadway is sixty-six feet wide, with a variable painted median. Parking is prohibited at all times along Virginia Avenue adjacent to the site. Twenty-first street is a local street which runs one-way southbound north of Virginia Avenue. It has a thirty-two foot wide pavement. Two-hour metered parking is allowed on the east side between 7:00 A.M. and 4:00 P.M. and two hour residential permit parking is allowed on the west side between 7:00 A.M. and 6:30 P.M. Twenty-second street is a local street, one-way northbound, with a paved width of thirty-two feet. Two-hour metered parking is allowed on the east side from 7:00 A.M. to 6:30 P.M. On the west side of the street, two hour residential permit parking is in effect between 9:30 A.M. and 4:00 P.M. Other streets serving the area are E and F Streets. Both are local streets with limited curb parking during the off-peak period.

18. The DPW further reported that, as to the impact of the proposal, access to the site for both truck deliveries and passenger vehicles will be via the existing ten foot alley located at the northeast corner of 22nd Street and Virginia Avenue. As part of the development, the applicant proposes to widen this alley to twenty feet. Under BZA Application No. 14203, an existing building immediately north of the alley will be renovated. Access to its parking lot will be provided via the same alley. A combined analysis of traffic operational requirement was necessary to mitigate potential access problems at the intersection of Virginia Avenue and 22nd Street. Through coordination with the applicant, the circulation plan for 2121 Virginia Avenue has been modified to enhance safety in the area and accommodate access requirements for both developments. Entrance to the office garage and parking lot will be from Virginia Avenue. Exit will be through the twenty foot alley off 22nd Street. Truck access to the two loading facilities will also be from Virginia Avenue. For egress, trucks will proceed east around the office building and exit at the intersection of Virginia Avenue and E Street. This circulation pattern is reflected in the revised plans. The applicant proposes to provide 118 parking spaces to service the project, compared to the seventy parking spaces required by the Zoning Regulations. The DPW estimated that this level of parking is adequate.

19. The DPW further reported that since the proposed project is replacing an existing facility consisting of approximately 97,000 square feet of office space and

apartment units, it will not have a significant impact on the water and sewer systems that currently service the site. The Board concurs in the DPW report.

20. Advisory Neighborhood Commission 2A, by report dated November 6, 1984, resolved to take no position on the application as of that date.

21. A representative of the Tenants Association of the Governor Shepherd Building testified at the public hearing in support of the application. The representative reported that after discussions with representatives of the owners of the property, the Association concluded that the property did not have a long-term future as a rental housing accommodation and that its habitability as a residential property was likely to continue to diminish. It therefore entered into negotiations with representatives of the owner and the developer retained by the owners, to seek an opportunity to remain in the property for a sufficient period to ease relocation and to obtain assistance, both monetary and non-monetary, in effecting relocation of the current residents with the least disruption possible. The negotiations by all parties were conducted in good faith throughout and the Association was able to reach an agreement which the Association recommended to its members. The membership of the Association, which includes all residential tenants of the property, unanimously voted to ratify that agreement. Some members of the Association have already relocated, while others remain as residents of the Governor Shepherd. Many expect to remain in the same neighborhood following relocation. The officers of the Association have reviewed the proposed development and, in their opinion, it is harmonious with the neighboring properties and their uses.

22. The West End Citizens Association opposed the application. The Association argued that the connection between the drug store and liquor store structure to be proposed structure was a subterfuge to avoid discussing the merits of the proposed structure by itself as a new structure. The Association further opposed the application on the grounds that the proposed use would eliminate an apartment house and create a new office building which would be a destabilizing influence in a residential area and would significantly shift uses in a transitional zone away from the residential. Such would be contrary to the purpose of the SP District acting as a buffer between adjoining commercial and residential areas.

23. In addressing the concerns of the opposition, the Board finds that the Zoning Administrator has determined that the proposal constitutes one structure and that the application was properly advertised as an addition to an existing structure. The Board further finds that all relevant issues have been addressed, and would have been

addressed whether the building was described as new or an addition. The Board further finds that the applicant is requesting special exception approval and is under no burden to prove that the property cannot be used for residential purposes. The Board further finds that the proposed development of 3.5 FAR for SP office use leaves the option for development of 2.5 FAR of residential use at some future point in time.

CONCLUSIONS OF LAW AND OPINION:


Based on the foregoing Findings of Fact and the evidence of record the Board concludes that the requested relief is a special exception, the granting of which requires the applicant to prove that it has complied with the requirements of Sub-section 8207.2 and Paragraph 4101.44 of the Zoning Regulations. The Board concludes that the use, height, bulk and design of the structure will be in harmony with the use, height, bulk and design of the block within which it is located. The low level usage of the structure will not create any dangerous or objectionable traffic conditions. The Board further concludes that the approval of the application will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to effect adversely the use of neighboring property in accordance with said regulations and map. Accordingly, it is ORDERED that this application is hereby GRANTED SUBJECT to the following CONDITIONS:

1. Construction and vehicular circulation shall be in accordance with the plans marked as Exhibit No. 23A of the record.
2. The ten-foot wide paved area provided by the applicant immediately adjacent to the existing ten foot public alley shall be available to all vehicles traversing the alley.

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Carrie Thornhill to grant, Douglas J. Patton not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

5 MAR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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